

## **ECUADOR (Tier 2 Watch List)**

Ecuador is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. The majority of trafficking victims are believed to be women and children trafficked within the country from border and central highland areas to urban centers for nonconsensual commercial sexual exploitation, as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. Some families reportedly allowed traffickers to temporarily take their children in order to earn money both within the country and in neighboring countries; these children are forced to work as domestic servants, street vendors, and beggars. There also have been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery, and Ecuadorian children have been recruited by a Colombian terrorist group along the northern border. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, and Western Europe.

Ecuador is a destination country for Colombian, Peruvian, and to a lesser extent, Chinese women and girls subjected to sex trafficking. Indigenous Ecuadorians are vulnerable to forced labor in domestic service. Colombian refugees and migrants are subjected to forced labor in palm oil plantations. A trafficking ring brought Peruvian children to Ecuador and forced them to work as street vendors, or in restaurants and nightclubs. Child sex tourism occurs mostly in urban areas and in tourist destinations, such as Tena and the Galapagos Islands. Ecuador is a transit country for Chinese nationals and other extra-continental migrants smuggled to destinations elsewhere in the Western Hemisphere, some of whom may be trafficked.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of increasing efforts to address forced labor and sex trafficking crimes involving adults, or trafficking-related complicity of local government officials, and government protections for adult victims remained inadequate; therefore, Ecuador is placed on Tier Two Watch List. The government did, however, sustain modest law enforcement measures against child sex trafficking offenders, and continued to work with civil society and the private sector to raise awareness on the forced labor and sex trafficking of children.

**Recommendations for Ecuador:** Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including public officials complicit in trafficking crimes; develop and implement formal procedures for identifying trafficking victims among vulnerable populations, such as women in prostitution or migrant workers; invest in specialized care services for trafficking victims; increase anti-trafficking training for local police officers, judges, labor inspectors, immigration officials, social service workers, and other government officials; provide foreign victims with formal legal alternatives to their removal to countries where they faced hardship or retribution; enhance data collection and coordination; and increase public awareness of all forms of human trafficking.

### **Prosecution**

The government displayed weak overall law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005. Labor trafficking carries a punishment of six to nine years' imprisonment, and sex trafficking carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased to a maximum of 35 years' imprisonment due to aggravating circumstances. Such penalties are sufficiently stringent and

commensurate with those prescribed for other serious crimes, such as rape. Other statutes, such as Article 528.13, which prohibits the commercial sexual exploitation of children, also are used to prosecute human trafficking crimes. The specialized police unit for crimes against children (DINAPEN) was the principal law enforcement entity involved in investigating trafficking cases, and during the last year continued to suffer from inadequate funding and staffing.

As there was no dedicated anti-trafficking police unit and DINAPEN investigated a range of crimes, it is unclear how many cases of human trafficking were investigated by law enforcement officers during the reporting period, or if any of the cases investigated involved adult victims. Most cases of human trafficking investigated in Ecuador appear to involve the commercial sexual exploitation of children. The number of investigations and prosecutions of forced labor crimes appear inadequate in comparison to the large number of children exploited for forced begging and forced domestic work. Despite robust law enforcement efforts for cases involving child victims, conviction rates remain low. Prosecutors reported opening 75 trafficking cases, 43 of which were dropped by the judge or prosecutor.

The government reported convicting three sex trafficking offenders, although it was unclear under what statutes, and there was no information available on sentences or whether the convicted trafficking offenders were serving time in jail. During the previous reporting period, Ecuadorian officials achieved one conviction under Article 190 and two other convictions for commercial sexual exploitation of children. Some judges reduced charges of trafficking to charges of pimping or disappearance, crimes that carry shorter sentences.

NGOs alleged that local police officers were partners in brothels that employed women and girls with false documentation, and that civil registry officials issued false identity documents to children. Victims testified that police informed brothel owners of impending raids, and in some cases, victims were forced to engage in sexual acts with police officers as remuneration for police protection of the brothel. Despite these continued reports of trafficking related corruption, no investigations, prosecutions, or convictions of complicit officials took place last year. The majority of training for government officials on victim identification, investigative techniques, and judicial procedures was provided by civil society organizations and foreign governments. Ecuadorian authorities partnered with government officials from Colombia, Peru, the Dominican Republic, and the United States to investigate several international trafficking cases.

## **Protection**

The Ecuadorian government did not make appreciable progress in protecting victims of human trafficking during the reporting period. While Ecuadorian authorities conducted several raids on establishments to rescue children in prostitution, they did not demonstrate adequate efforts to identify adult trafficking victims among women exploited in brothels and other vulnerable populations. The government provided some funding to some NGOs that provided most of the legal, medical, psychological, and shelter services for trafficking victims, including two NGOs that maintain shelters with specialized services for girls. There were no specialized shelters for adult trafficking victims or for boys. Authorities reported that child victims could receive general care services through a network of 43 government-run protection centers, although there were no estimates of how many child trafficking victims accessed shelter or services at these centers. The government could not accommodate the demand for care services and shelters available to trafficking victims remained lacking in many parts of the country. In addition to these short-term services, the government provided victims with counseling, protection, job training, and educational training, and ensured the child victims received long-term care as needed. Through its

Victim and Witness Protection Program, the Ecuadorian government operated specialized police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services for identified trafficking victims, and assistance for victim witnesses during court proceedings. A government report released in 2010, however, noted that this program had insufficient resources for adult victims and that many victims chose not to participate in investigations due to inadequate protection. The government encouraged victims to assist with the investigation and prosecution of trafficking offenders. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, but authorities reported that foreign victims were typically allowed to remain temporarily. There were reports, however, that some foreign victims were deported instead of receiving care services, and an NGO reported that the government refused to grant refugee status to a foreign victim who had been raped and forced to traffic drugs. There was no reliable estimate of the number of trafficking victims identified during the reporting period. The government reportedly provided victim services to repatriated Ecuadorian trafficking victims.

## **Prevention**

The Government of Ecuador maintained trafficking prevention efforts last year. The interagency anti-trafficking committee drafted a new national plan to combat trafficking, which includes a budget and seeks to address challenges such as poor data collection mechanisms, limited funding, and interagency coordination. The government displayed some transparency in its antitrafficking efforts as the Ecuadorian human rights ombudsman published a brief report on human trafficking and legal impunity in the country. In 2010, the Ministry of Tourism (MOT) launched an initiative to train 3,600 tourism enterprises to identify possible victims of sexual exploitation. The MOT continued a public awareness campaign about commercial sexual exploitation of children. During the holiday season, the government funded a campaign to prevent seasonal begging, a practice that sometimes involves forced child labor. The city of Cuenca launched a campaign against child labor and sexual exploitation. The government continued to partner with a private telecommunications company and a bank to combat child labor through a network of schools for former child laborers. The government did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor during the reporting period.